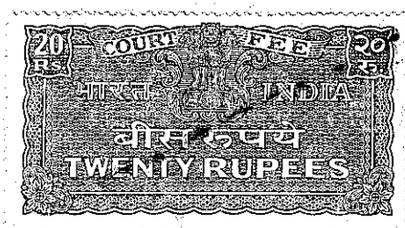

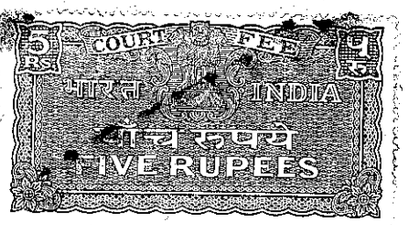

(3)

IN THE HIGH COURT OF MADHYA PRADESH, AT JABALPUR

S.B. Civil.

Misc. Petition No. 771 of 1994.

PETITIONER : M/s Nav Bharat Press, Raipur, a partnership concern, Through Ashwani Kumar Mishra, aged 34 ~~years~~, Son of Late Shri Ramji Mishra, Manager, Nav Bharat Printers, Resident of Telghani Naka, Ramsagarpura, Raipur, District Raipur.

5405.
Filed on 7-3-94
by Shri R.P. Jain Advocate
for

VERSUS

R. to D.R.
Dt. 29/4

RESPONDENTS:

1. Third Civil Judge Class II, Raipur
2. Fourth AdditionalJudge to the Court of District Judge, Raipur.
3. Municipal Corporation of the City of Raipur, Raipur, Through it's Commissioner, Municipal Corporation, Raipur.
4. Commissioner, Municipal Corporation, Raipur, Distt. Raipur.
5. Shri Govindlal Vora Son of Shri Mohanlal Vora, resident of Geeta-nagar, Raipur, Distt. Raipur.

....

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, FOR ISSUANCE OF WRIT OF CERTIORARI, MANDAMUS, PROHIBITION, AND/OR ANY OTHER WRIT OR WRITS, RULE AND OR DIRECTIONS.

XI-HC-22

(84)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.771/94 **सन्** ~~200~~

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11-8-2005 When the matter is called out, Mr. Ashish Shrivastava, Advocate, appeared and submitted that he enquired from the Raipur Office of M/s. Nav Bharat Press, through Mr. G.D. Gupta, Manager of the said Press at Bilaspur Office, and he was informed that in this matter, Mr. P. Diwaker, has been engaged. Mr. P. Diwaker was called and he stated that he has not filed power on behalf of the petitioner. Mr. Sanjay K. Agrawal, Advocate for respondent No.5. Vide order dated 17-3-2005, SPC was directed to be issued to the petitioner for making representation on his behalf. Accordingly, SPC was issued on 21-4-2005. As per the above statement of Mr. Ashish Shrivastava, petitioner herein M/s. Nav Bharat Press is aware of this petition, but none appeared on behalf of the petitioner Press and no representation is made. Therefore, the matter is being decided in the absence of the petitioner's counsel. By this writ petition, the petitioner has questioned the legality, propriety and correctness of order dated 22-10-1992 passed by the 3rd Civil Judge, Class-II, Raipur, whereby the application filed by respondent No.5 on 11-8-1992 under Order 1 Rule 10 of the C.P.C. was allowed and the petitioner was directed to implead respondent No.5 Govindlal Vora as party respondent against which the petitioner preferred an appeal, and	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(85)

आदेश पत्रक

मामला क्रमांक W.P. 771/94 **सन्** ~~200~~

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the same was also dismissed by the 4th Additional District Judge, Raipur, vide order dated 11-1-1994.

I have perused both the orders.

Perusal of order dated 22-10-1992 shows that a prayer was made for permanent injunction regarding the disputed land, which was on lease, and the lease was executed in the name of respondent No.5, therefore, the Court directed that he should be arrayed as party respondent against which an appeal was filed, the same was considered and decided by the 4th Additional District Judge, Raipur vide order dated 11-1-1994. In para 4 of order dated 11-1-1994 it has been mentioned that since the lease of the land in question is in the name of Govindlal Vora and it has not been mentioned in what capacity the lease has been issued in his name, therefore, he is a necessary party and accordingly, dismissed the appeal.

I do not find any illegality or infirmity in the above two orders. Therefore, there is no ground before this Court to interfere with the above said orders while exercising the power under Article 227 of the Constitution of India. Accordingly, the writ petition is dismissed.

Sd/-
L.C.BHADOO
Judge

Soma

(पीछे देखिये)